

181

22-1-18.

O.S. 65

Department of

Board of R

OFFICE

STATION

C. P. R. R. R.

No. 760

Dated 5-7-1921

Date

Initial

to whom sent

Given for copying

Copied

Examined

Signed

Given for despatch

Despatched

Indexed

To be destroyed on

ages in the file 23

(SUBJECT.)

Village officers. (Coimbatore) - Kollegal taluk -

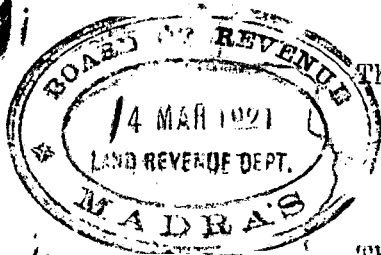
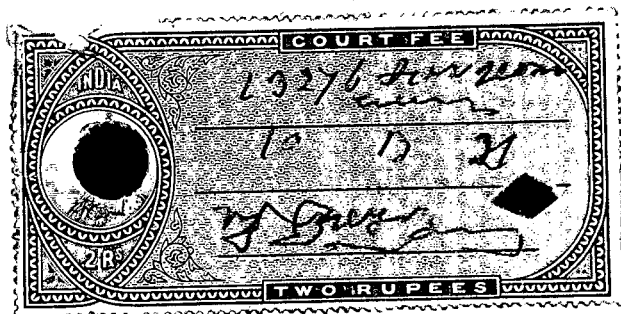
Karnam Subrahmanya Ayyar -

Revision petition - Revision petition -

G. S. R. R. R.

R 42, Kollegal

1/2 anna postage stamp - 2 - Remover
e Recd. & label - 1/2
3/4 Re - 1/2
6/6 Re - 1/2
1/6 Re - 1/2
Encls. - 6
Rs 3 1/2 stamp



The Hon'ble members of the Board

of Revenue, Madras.

Doddinduvadi - * Byghran

The humble application of S. Subramania Ayyar son of Seetharama Ayyar of Doddinduvadi village, Kollegal Taluk, Coimbatore District. most respectfully sheweth:-

1. That the petitioner's family is in possession of the mirasi rights of the kurnam office of Doddinduvadi village,

2. That Subramaniyan, one of his paternal uncles had been working, resigned and subsequent to his resignation, K. Krishna Ayyar, his younger brother was put in who was working till very recently.

3. That he is quite capable of discharging his duties quite satisfactorily,

4. That he is childless and in consequence, the office devolves after him. on the petitioner,

5. That the reason for the petitioner not to have laid his claims then was that the said Krishna Ayyar was healthy and capable and as such there was no necessity for the petitioner to qualify himself for the kurnams' post: but however he has passed the ^{Sur} ~~Sur~~ test which is one of the tests, prescribed as well as essential for the kurnam office and he is sure and enthusiastic to avail himself of any opportunity that should occur for his qualifying himself fully. that he has obtained a certificate for Rs. 2-2-0 and submitted the same.

6. That the petitioner had been employed as a Teacher in the Elementary school under the Kollegal Taluk Board and has put in a service of 7 8 years.

7. 80 - He has not passed the test.
7. That the petitioner is fully ^X qualified for the karnam's office and the only thing that seems to retard his claims is that his not having appeared for and passed the prescribed test.

8. That the said Krishna Ayyar having no proper grounds or basis and mainly with the intention of securing Aswatnarayana Ayyar, son-in-law, a permanent karnam's place in favour of whom he was prepared to forego his appointment and he ultimately resigned.

(H) 9. That the said appointment was cancelled by the District Collector on account of appeal petition preferred by the parties concerned.

(g) 10. That the humble petitioner pressed his claims both before the Revenue Divisional Officer and the District Collector but unfortunately they were overlooked on the mere technical ground that he is unqualified.

11. The petitioner begs to represent one more fact and that is that under the revision scheme, Singanallur and Kongaralli were grouped into one and Chikkinduvadi and the one part of which belonged to Haruvanapuram and the other to Doddinduvadi and that his ancestors were looking after the duties of a karnam in Singanallur for the last 3 decades.

12. The petitioner begs to add that if this technical objection were to stand in the way of his

claims, it will only be in furtherance of a fraudulent action on the part of Krishna Ayyar whose resignation is not therefore non est.

13. Further he begs to bring to the notice of the Hon'ble members the fact that unqualified men are selected for the post of karnam on probation for a year or more during which they should obtain a pass and is really harmful that the humble petitioner is deprived of his claims to act as karnam of his village.

14. Lastly, it is his humble request that the Hon'ble members will be pleased to bestow their mature and sympathetic consideration on his claims affecting the future interests of his family and the interests of the petitioner and his family.

date 12.3.1921

The humble petitioner begs to remain,

Subramaniam

amended
12.3.21

submitted the memorial of
and then had complaint
of 12.3.21

15. The petitioner further begs to request that the

Hon'ble members be pleased to call for the petition presented to the Collector by Krishna Ayyar and the order thereon to withdraw his resignation and the order thereon rejecting the same so that the Hon'ble members may be convinced of the facts represented herein.

The humble petitioner begs to remain,

Subramaniam

20-3-1921

Petitioner

1921/22/23

Encl - 8

1/2 on paper 2 - 1
2 on paper 1 - 1
3 on paper 1 - 1
4 on paper 1 - 1
5 on paper 1 - 1
6 on paper 1 - 1
7 on paper 1 - 1
8 on paper 1 - 1

D 296

10

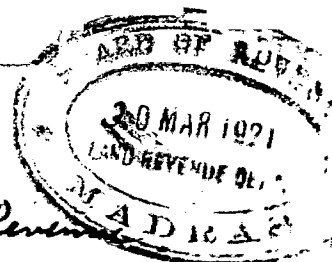
D 256/21 - A

Encl. D 256 dated 16-3-21

The petitioner should ^{affix} an 8 anna
court fee stamp to each of the
enclosures marked A, B, C & D and
resubmit the papers within one
month from the date of receipt
of this order

2 Margum 1/321

When
present all the
stamps. Rs 4.4.21
Punched
4/4



Joint Secretary, Board of Revenue
Land Revenue

Rs
15-3-21.

To the petitioner with the petition and enclosures
Lumpsum court fee stamps of
the value of Rs 8 1/2

Respectfully resubmitted to the Board Revenue
Madras with Court's stamp
affixed to it. S. C. & D. as order.

[Signature]

20.3.1921

Petitioner -

28.2.

D 256/21

MS. Encl. D 256 D 16.3.21

D 256/21.

Q

Reference D 296-21-1 dated 16-4-21Village officers (Coimbatore) - KottikalLaluk - Modalli village - KarmamSubrahmanya Aygar - Appointment - Secondary

X

X

X

The Collector is requested to submit the records of the case, and to report on the following points:-

(1) Was the appointment of the petitioner (Awarthanarayana) made at the revision of village establishments under Sec 6(1) of Act III of 1895 or in the vacancy caused the resignation of the last office holder Krishna Aygar ^{himself} after revision

(2) Was the appointment of Awarthanarayana cancelled by the Collector on appeal as alleged in para 9 of the petition & if so who was appointed in his stead is he a member of the family of the last holder Krishna Aygar.

(3) Is the petitioner Subrahmanya Aygar the brother's son of the last holder Krishna Aygar

which is as follows
the Collector's order dated
16.7.21 is as follows
16.7.21

p 29.

DEPARTMENT. 7

Received _____ 191 . Registered D 404 191Encls - 8.
Dis file - 2
Stamps - nil

4/5

Subject.



ENCLOSURE.	
No. 3	files of
	records
Spare copies	

Collect 2 dis files
and Board's current file
pages 1 to 22.

4/5

Ref. No. 3010/21-A.3.

Station Coimbatore, Dated the 30th April 1921. 191

From (Name) F. B. Evans Esq., I. C. S.,
(Designation) Collector of Coimbatore.

To The Secretary to the Board,

Land Revenue Department,

M a d r a s.

Sir,

H 22+24 Cf.

Reference No. D.296-21-1, dated 16th April 1921.

Village Officers-Kollegal taluk-Modalli village-
Karnam Subrahmanya Ayyar- appeal.

I enclose the records.

2. The counter-petitioner was appointed as karnam of Modalli in the vacancy caused by the revision of village establishments under Section 6(1).

(H)

The appointment of the counter-petitioner Aswathanarayana Ayyar was cancelled on appeal by me.

I appointed Ramachandra Ayyar. He was not related to

Krishna Ayyar

Krishna Ayyar the ~~old~~ karnam of ~~old~~ ^{old} Doddinduvadi nor to any of
 the last holders of the abolished offices. Petitioner
 Subrahmanya Ayyar is apparently the nephew ^{-son} of a brother of
 Krishna Ayyar, the ^{old} karnam of old Doddinduvadi. The appel-
 lant is not qualified and his appointment is therefore, I
 submit, inadmissible under Section 10 of the Act. As I
 have argued in a separate reference ⁺, Section 10 seems to me
 to apply to appointments made in filling vacancies created
 by re-arrangements under Section 6(1): and a Collector
 cannot consider a man the best qualified from among the
 families of the last holders if he is not qualified under
 Section 10.

* this is in con-
 sideration of the Act.

have the honour to be,

Sir,

your most obedient servant,

J. S. S.
 collector.

DEPT. OF REVENUE

12 MAY 1921

D 604/21 — Q.

Reference D 296-21-2 dated 21-5-21

Village Officers (Coimbatore) -

Kokyal Taluk - Modalli Village

- Kamam Subrahmanya Ayyar.

Appointment at revision - Seemadappa

X X X X

The Collector is requested to report whether the petitioner (last holder's relative) rejected by him was thought by him and actually is whether available for appointment or whether he

Pass reflects him having been in
20.5.21. L. & M. passed the

Educational tests required

W 10 (1) (2) 1/18/21
W 10

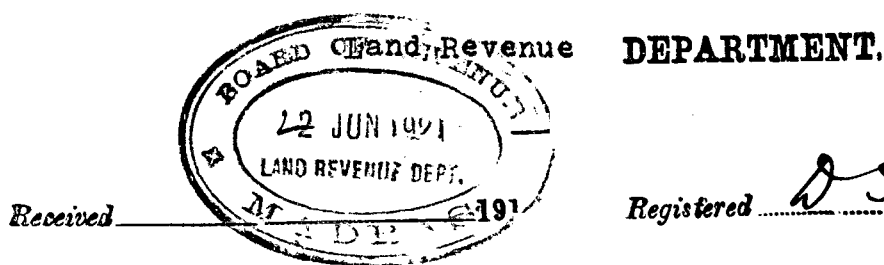
W 10
21.5.

To the C.M. of Coimbatore
with 2 Dis-files to be returned
with reply.

Pm.
22.5.21

23/5/21

21-5



Dis file - 2
Lands - nil
22/6.

Subject _____

OSURES.
No. 2. Dis. file.
Spare copies _____

Ref. No. 3010/21-A-3.

Station Coimbatore., Dated the 18th June 1921. 191

From (Name) F.B. Evans Esq., I.C.S.,

(Designation) Collector of Coimbatore

To The Secretary to the Board,

Land Revenue, M a d r a s.

Sir,

h27 A.

Board's Ref. No. D 296-21-2 dated 21st May 1921.

Village Officers - kollegal taluk -
Modalli village - Karnam -
Subrahmania Ayyar.

I have rejected the petition of Subramania-Ayyar because he had not passed the Karnam's tests.

2. I am not sure what the Board means by "utterly unsuitable". Subrahmania Ayyar is 27 years old and is a teacher in an elementary school. He has passed

the fourth standard and he underwent survey training in
1912. He has never ^{and never} been Karnam.

I have the honour to be,

Sir,

Your most obedient servant,

H. P. Rao
Collector.

DESPATCHED

K.R.

20 JUN 1921

Village Officers : Commissioners - Kodagall Th -
Kodalle vill - Kamam Subrahmanya
Ayyar - Appointment at revision - Rev petu
Orders passed

Q { S 256 / 21 & Ad Enst Theron S 256 A 12.2.21
 S 28 01 21 & Ad K.L. Theron S 12.1.21
 S 404 / 21 & Ad ref Theron S 21.5.21
 S 137 / 21

Ream (Mit)

760
 57 21

The Collector rejected the claim of the petu
Subrahmanya Ayyar as he had not qualified by passing
the Kamam test. ^{Under the rules (the)} Ad educational qual
prescribed in § 10 of Act III of 1895, are not required
in this case and only general

suitability is sepa necessary, if person
general suitability being sufficient

(G) Appointed at revision. The Collector's order
D. 17.11.20 is not correct and is hereby
cancelled

(H) Asa the Collector's order D. 17.1.21

appointing Ramachandra Ayyar is illegal
as the appointment contravenes the provision

of sec 6(1) of Act III of 1895 because he is
a stranger and could not be appointed in preference to
not a member of any of the families
the relatives of the last office holder
of last office holders. The Board therefore
Cancel this order also.

In the result the Board directs the
withdrawal of the order Subrahmanya
Ayyar who was a nephew (brother's son)

13 $\Rightarrow$ no resignation since
of the last open holder is entitled
to appointment under the provisions
of Sec 64) of ^{the} Act of 1885.

2 - The petitioner is referred to the
Collector for orders on his petition
to the Board

BEL
2.7.21

M 1721

ind
47

(16 47)

To the Collector of Coimbatore

with 2 Dis. files retd and ~~Senel~~
to be retd to pete

(History of)

the petitioner (para 2 only)

~~For~~

Village Officer (combative) — Kollupudi

Modalle Village — Kaman Subrahmanya
Ayyar — Appointment^{at 21} — Second appeal

pp 1 to 3 cf. — D 256/21.

p 4 cf. — Board's End⁵ — D 256 of 10.3.21.

p 4 cf. — D 296/21

Deer

To the Asst Secy

pp 5-8 cf.

Krishna Ayyar, the last office holder, resigned the post and in the vacancy his son-in-law Aswathanarayana (Cons. Sec. pensioner) was appointed by the RDO. removing the claim of the person who calls himself the brother's son of Krishna Ayyar. On appeal the Collector declined to interfere on behalf of the petitioner. He has now come up to the Board.

p 9 cf.

2. It is not clear^{from the papers now before the Board} whether the Cons.

pensioner's appointment has been made at the revision of village establishment or in the vacancy caused by the resignation

of the last holder Krishna Ayyar^{after him} If made at the revision^{under Sec 60 of Act III of 1895} the petitioner who calls himself the last holder's brother son, would be eligible for appointment although he has not passed the tests (Examina

The Asst Secy reports that the appointment was made at revision — p 25 cf.

pp 10.5.21

qualifications are not required in the case of persons appointed at museum. and the appointment of the Comber-petitioner (Son-in-law of the last holder) would be irregular as he is no heir under the Hindu law ~~cannot be~~ a member of the last holder's family (see 661 of Act II of 1850). If, on the other hand, the appointment was made in the vacuum caused by the last holder's resignation the petitioner being unqualified would be ineligible for appointment & in appointment of the Comber-petitioner a qualified stranger may be preferred in the absence of qualified persons in the line of succession.

In this case the petitioner's remedy would lie in a suit under sec 13 of Act III of 1895.

In any case no appeal lies to the Board in the matter. The petition may be dismissed on that ground. Order as requested.

1888
4.4.21

Sd/-
AS

Draft omitted.

It seems necessary to ^{obtain} examine the records before seeing if there is any need for the Board to interfere in this case. Information on the points noted ^{in the draft} is also necessary.

1888
12.4.21

12.4.21

Ruling at page 4 to 9
B.S.O vol II

The R.D.O:
reads as this:
appointment was
made at Vizianagaram.

As it now referred that
appointment of the Comber-
petitioner was made at Vizianagaram
under sec 661 of Act II of 1850
no suit would lie under
it as such.

If the B^d is in
doubt it should of the
order was not ac-
cording to law.

7421 of 20. acc for
records

Ant
84

AS.
For forward 2 copies only.

Ant
184
12.4.21

apply to appointments under Sec 6(1)
 The Collector has evidently fallen
 into an error in supposing that
 the term best qualified occurring
 in Sec 6(1) means "qualified by
 passing the 000 tests which is not
 the case. The term has been interpreted
 to mean best fitted. On several grounds
 the Collector has ~~separately~~ ~~referred~~ referred
 the point for the Board's orders (The
 file is now in circulation) This view has
 not been accepted as correct.

It will thus be seen that the Collector's
 Appointment of Ramachandra Ayyar (stranger
 in supersession of the claims of Subrahmanya
 Ayyar (last holder's nephew) ^{Contravenes} ~~contravenes~~
^{expressly} ~~contravenes~~ the provisions of Section 6(1) of the
 Act. When the question arises can
 the Board cancel the Appointment

No second appeal lies to the Board
 in the matter — Sec 23 of Act ~~III~~ 9/1892.
 However the Full Board, has recently
^{ruled} ~~decided~~ that when a Collector has
 an illegal order the Board can
 review it under the power vested
 in it by Section 33 of Madras Rules I of
 1803. Although no appeal lies to it ^{under}
 under the Act (II of 1894) the question
 whether

See page 4 para 5(6)
 of GO. 2736 Rev (M)
 10-9-12

Since referred of
 in GO 5-85-Rev (V)
 27-5-21

The 1000 ~~part~~
 in ~~the~~ ~~file~~
 in circulation
 1321 Rev (M)
 27-10-20
 133 of

* Page 17 of the Madras
 Code Vol I

6.19

Whether the Board can exercise powers of revision in the ^{present} case would depend ^{upon} the interpretation of the term illegal order occurring in the Full Board's ruling. It may mean either an order ~~which~~ passed by a Collector without jurisdiction, that is, when no appeal to him is provided for in the Act or an order which the Collector has jurisdiction to pass but which contravenes an express provision of the Act. The Collector's order in the present case is of the latter kind. If the Board agrees in the ~~above~~ interpretation of the term illegal order the Collector's order appointing stranger Rama (A.) - Chandra Ayyar may be cancelled and petitioner Subrah Manappa Annar (last holder nephew) appointed to the Kanakanna post of Modall group. Orders are recommended.

+ / 33 of 1921 Am. (A.)
27.10.20

~~Y. S. S.~~
11.5.21

V

Note by Asst. Secy.

Appointment at revision.

184

Divl. Officer appointed Aswatha Narayana Ayyar, son-in-law of last holder.

(9)

Subrahmanya Ayyar - Member of the family - Board's petitioner appealed to Collr. on 17-11-20

(9)

Collr. summarily dismissed the appeal on 17-11-20 for the reason that Subrahmanya Ayyar was not qualified.

41113 (4)

Ramacnanara Ayyar, an outsider, appealed to Collr. on 14-11-20 and 3-1-21.

(4)

On this appeal Collr. cancelled Aswathanarayana Ayyar's appointment and himself appointed Ramachandra Ayyar on 17-1-21 - reason Ramachandra Ayyar is fully qualified and had been working as gumasta karnam of another village.

The Divl. Officer's order of appointment was appealable to Collr.

(9)

Two of the candidates affected by the D.O's order appealed to Collr. In the one appeal Collr. declined to interfere with the D.O's - appointment. In the other the Collr. set aside the D.O's appointment.

(4)

In this there seems nothing irregular.

The objection is that the man appointed by Collr does not belong to the family and the Board's appellant does belong to that family.

It is not every member of the family that should be appointed. It is the best qualified man - that is, the appointing authority and the appellate authority has the discretion to reject a member of the family as not 'qualified'.

The Act provides for no appeal or revision against the Collr.'s order.

Even if the Board considers that the Collr. exercised his discretion wrongly that is no room for interference.

That the Collr. acted under the impression that qualification means qualification by passing tests does not, I think, alter the case.

2m
H.S.V.
I am afraid I cannot agree with A.S. regarding qualified persons; the only way to see if relations are available: & then he should select the best man among them if the best is unsuitable if not if he is illiterate beyond his ability to sign his name. Collr. has, I think, power to reject ^{him & others} all relations.

I think the Bd. can interfere in revision on the ground that Collr. has ignored the statute: to decide whether this ground is correct he must ascertain whether the relation rejects & the Collr. on thought & his and actual is wholly unsuitable. Obviously the relation must satisfy 2 conditions (1) he must be a relation (2) he must be fitted or qualified (generally suitable)

My interpretation of A.S. however is that where an approved person has a right to file a suit on prima facie he will succeed. The Bd. ought to interfere rather than to keep it from because of a suit

Ask Collr this unless it can be discovered from the record by
19.5.2

Secy

AS

Draft submitted.

The Collector rejected Subrahmanya Ayyar (last holder's relative + B.S. peto) for the reason that he was not qualified please see Collector's order (G). That the Collector used the term qualified in the sense qualified by passing Uo tests is clear from his later order. The question whether Subrahmanya Ayyar was suitable or not does not appear to have been considered by the Collector.

BSS

20.5.21

The report may go
22.5.21

AS

For forwarding of your order

BSS

21.5.21

Secy

21.5.21

p. 27 of

BSS report of 21-5-21.

p. 28 & 29 of

Letter from Collector of Coimbatore, Ref. No. 3010/21-AS of 18.6.21. [S 57/21]

Secy

To AS

p. 28 of

Collector reports that he rejected Subrahmanya Ayyar (last holder's) claim because he had not passed Kannan tests. It has been decided that educational

B.S. 585-110 (V)

27.5.21

qualifications are not required for persons appointed

free that this
to improve the
from the other
206 on the water
then water to
clear the water
up.

21.5.21

to- 23

appointed at revision. This being so, Cmis
order under appeal is not correct. For order
whether BD would set it aside & direct the
appointment of 1920 petr who is last holder's
brother's son.

PSS
28-6-21.

22/29/21

The coll's order must wait as
as only general suitability is
necessary in appd at revision.

Wob
306.

(9)

||

Yes - set
for this rea

Wob

Wob
AS

Wob

Draft submitted.

M1 orders cancellation of Cmis order (9)

of 17-11-20. Cmis order of 17-1-21 appoint (14)

ing Ramachandra Ayyar which is illegal for n.f

will be ~~not~~ in force unless cancelled

by Board. This on the assumption that

Board intends to appoint petr who
being a member of last holder's family

is entitled to appointment under Sec 6(1),

Act III, 55 that the draft has been

put up subject to Cmis approval

PSS
2-7-21

22/29/21

Wob
47.

/ Wob 47

20/28

In same order

Wob 22-5/21

PSS
6-7-21.